

interment at Arlington. And so, in this bill we move forward in expanding our ability to provide appropriate tribute and reverence to more servicemen who have passed. We eliminate today the age requirement for retired reservists who would otherwise be eligible for in ground burial, and we grant families of reservists who died performing training duty the right to have their loved ones buried at Arlington.

This Holiday season, as we give thanks for our families and the strength of our nation, we recognize more than ever that our veterans are our heroes. They have shaped and sustained our nation with courage, sacrifice and faith. They have earned our respect and deserve our gratitude. Let us join together and do something meaningful by passing this legislation. It is the right thing to do.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Ms. SANCHEZ. Mr. Speaker, on December 13, 1 was in Washington D.C. conducting official government business. It was my intention to vote on Rollcall No. 498, H. Res. 314, which would have suspended the rules and allowed suspension bills on Wednesday December 19. However, the electronic voting machine did not properly record my vote. I request that the CONGRESSIONAL RECORD reflect that had my vote been properly recorded I would have voted "nay" on Rollcall No. 498.

CONFERENCE REPORT ON H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 13, 2001

Mr. REYES. Mr. Speaker, as Chair of the Congressional Hispanic Caucus (CHC), I am proud to support the Conference Report on H.R. 1, which reauthorizes the Elementary and Secondary Education Act (ESEA). I am pleased that the conferees included most of the CHC's priorities in the final bill, which will now go a long way to reduce the disparities in educational achievement between Hispanic and non-Hispanic children.

The Census Bureau projects that by the year 2030, Hispanic children will represent 25 percent of the total student population, and even the most recent Census figures show that Hispanics are now on pace to become the nation's largest minority sooner than expected. Given these statistics, and the likelihood that many of these students will come from low-income households, the reauthorization of ESEA has been a significant priority for the Hispanic Community. With appropriate funding, many of the programs in H.R. 1 that we helped shape will improve the educational achievement of low-income and limited English proficient children.

I would like to share with my colleagues some of the important provisions affecting Hispanic students in H.R. 1 that the Hispanic

Caucus helped develop. And in particular, I would like to thank my colleague, Congressman RUBÉN HINOJOSA, who has worked tirelessly on education issues in his capacity as Chair of the CHC Education Task Force. I do not believe we would be where we are today if it were not for his dedication to expanding academic opportunities.

First of all, bilingual education programs are important to limited English proficiency (LEP) children because they build on native language proficiency to make the transition to all-English academic instruction. Without this foundation, many children will not be prepared to perform to high academic standards.

H.R. 1 sets a "trigger" of \$650 million at which bilingual education would convert from its current competitive grant structure to a new formula grant, consolidated along with immigrant education. This new formula, accompanied by a significant increase in appropriations, will extend bilingual education to millions of eligible students who currently do not receive bilingual education services.

The Conference Report does not require parental consent before students are placed in bilingual education, even though opponents of bilingual education fought hard for this and included it in the original House version of this bill. Instead, the conference compromise continues to maintain the current "opt-out" system, favored by the Hispanic Caucus. Schools will be required to notify parents if their children are placed in bilingual education and parents will be given the information they need to immediately transfer their children to English-only classes, if they want. This system will ensure that LEP students are not deprived of services that will help them succeed academically, while giving parents flexibility and choice.

It is estimated that 50,000 new bilingual education teachers are needed to meet the demands of a growing limited English proficient student population. At our insistence, H.R. 1 now includes a set-aside program for professional development to improve the qualifications of existing teachers and to recruit and train new teachers. The program will authorize two funding sources: one through the federal government and the other through the states.

In an additional boost to improving teacher quality, the Conference Report retains a national clearinghouse for information and data on bilingual education. The compilation and distribution of this data provides important information to educators on how to improve the quality of bilingual education.

Opponents of bilingual education favored placing a three year limit on how long students can be enrolled in bilingual education regardless of what level of English proficiency they reach. The CHC opposed this, recognizing that students entering the educational system at different stages acquire language proficiency at different speeds. The compromise bill gives students the flexibility to remain enrolled in bilingual education as long as is appropriate.

As part of the compromise, the bill requires students to be tested for English reading proficiency after their third year in bilingual education. However, school districts can obtain a waiver on a case-by-case basis to delay the test for two years. The results of the test will have no direct highstakes effects on individual students, but instead will be used to measure a school's progress and hold it accountable. If

the school fails to meet performance objectives, it will be required to implement improvements including professional development and curriculum changes. These accountability measures promise to ensure that schools maintain effective bilingual programs.

The second issue area in H.R. 1 that the Hispanic Caucus worked very hard to achieve results in was migrant education. Migrant students have unique educational needs because of their families' need to periodically relocate in order to maintain employment.

The Conference Report expands education services for migrant students by increasing the authorized funding level of migrant education by \$30 million, from \$380 million to \$410 million for fiscal year 2002. While this funding level would fall short of meeting all existing needs, it is a significant step toward reversing the 11 percent decline in dollars spent per migrant pupil over the past two years.

This bill also helps migrant students by improving the way their academic and health records are transferred from one school to another. Although some States have developed and implemented their own student records systems, current failures and interruptions in records transfer result in delays in school enrollment and academic services for migrant students, discrepancies in student placement, and repeat immunizations of migrant children. Under the Conference Committee agreement, the Secretary of Education is directed to assist states in linking existing systems of interstate migrant student records transfer. This will help eliminate two serious problems faced by migrant students: (1) multiple unnecessary vaccinations, which create a serious health hazard, and (2) denial of high school graduation because high school credit records are missing.

Finally, the third issue area addressed by the Conference Report is high school dropout prevention. Addressing the dropout problem during this ESEA reauthorization has been of paramount importance to the CHC. Statistics show the dropout rate for Hispanic students is approximately 30 percent compared to only 10 percent for non-Hispanic white students. For LEP students, the dropout rate is approximately 50 percent. At this rate, the economic and social potential of an entire generation of Americans is at risk.

Students cite a variety of reasons for dropping out, such as the lack of qualified teachers, lowered expectations of minority students' academic potential, classes that fail to challenge them intellectually and the threat of "tracking." Currently, there are a variety of programs which offer only piecemeal and inadequate solutions to the problem. The Conference Report takes a major step towards addressing the Hispanic dropout crisis by launching an innovative dropout prevention program that will comprehensively support proven measures to reduce high school dropout rates in schools predominantly serving low-income students. I would like to express my thanks Senator JEFF BINGAMAN, who introduced the program in the Senate, and all the conferees, for including this dropout prevention program in the final conference report.

In conclusion Mr. Speaker, I believe we are taking a great step for our children and our nation's future by passing this education reform bill. As President John F. Kennedy said, "Our progress as a nation can be no swifter than our progress in education." While we

have more work to do to improve education, let us now appropriate sufficient funds to make the promise of H.R. 1 a reality, and be proud of what we have accomplished for our children's education in this session of Congress.

IN HONOR OF THE STUDENTS OF
CANYON CREST ELEMENTARY
SCHOOL

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. CANNON. Mr. Speaker, many of us have been dramatically affected by the tragic events of September 11th. As we have all learned to cope and express our feelings regarding this tragedy, there have been some shining stars that have risen beyond themselves in an effort to help others. One such group of people is the fifth and sixth grade students of Canyon Crest Elementary School in Provo, Utah.

These wonderful students felt overcome by the events witnessed that day. As the heroes of New York's police and fire departments bravely sacrificed many of their own to save the lives of those trapped in the towers and while many others worked at the Pentagon, these children all wished they could help but felt only helplessness as they watched over 3, 100 miles away. As their determination grew to assist in the recovery effort, these children felt that the best way for them to assist was to express their appreciation for the sacrifices of the heroes and their desire to comfort the many who lost loved ones through writing.

Their writings have been compiled in a book titled *From the Mountains . . .* These touching and heartfelt accounts relate many of the feelings that all of us experienced during the attacks as well as during the weeks following.

Mr. Speaker, today I ask that you and our colleagues join me in honoring the students of Canyon Crest Elementary for their own heroic efforts to help us all to recover and rebuild in this great nation by showing us true patriotism and the meaning of freedom.

FAIR DEBT COLLECTION PRACTICES
TECHNICAL AMENDMENT
ACT OF 2001

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mrs. BIGGERT. Mr. Speaker, I rise to introduce a common-sense technical amendment to the Fair Debt Collection Practices Act. I am pleased that this bipartisan legislation is being cosponsored by my colleagues, Mr. SANDLIN of Texas, Mr. MOORE of Kansas, and CANTOR of Virginia.

For more than two decades, The Fair Debt Collection Practices Act of 1978 has successfully regulated and promoted ethical practices on the part of debt collectors throughout the United States. The Act prohibits abusive or harassing methods of debt collection, and it requires that debt collectors treat consumers fairly.

In 1986, the law was amended to include standards for attorneys who engage in debt

collection, and in general, these new rules have worked well to protect consumers. But there is one small provision in the Fair Debt Collection Practices Act that inadvertently has made it more difficult—if not impossible—for an attorney to act as a debt collector and file documents with a court of law.

Under current law, attorneys face a "Catch-22" when they file a lawsuit against a debtor, and here's why.

The Fair Debt Collection Practices Act requires the inclusion of a specific warning notice in every document related to the debtor, including those filed with a court. This warning notice makes good sense; it provides the debtor with information about his or her rights and responsibilities.

But the inclusion of the information required by the Act often renders the document non-compliant with the rules of the court. As a result, attorneys are caught between a rock and hard place. They can include the warning on court documents and risk being in violation of the rules of the court, or they can exclude the warning and be in violation of the Fair Debt Collection Practices Act.

Even the agency responsible for enforcement of the Fair Debt Collection Practices Act, the Federal Trade Commission, has repeatedly acknowledged this dilemma. But the FTC cannot fix the problem administratively. The agency has recommended a narrowly tailored technical amendment to remedy the conflict between Federal law and the rules of the court. It is this technical amendment that I offer the House today.

Under my bill, attorneys no longer will be forced to choose between violating the rules of the court or violating the Fair Debt Collection Practices Act. They still will be required to include warning notices on all correspondence with debtors, but they will be allowed to omit the warning notices only on documents presented to the court. This simple and straightforward solution maintains the spirit and the intent of the Fair Debt Collection Practices Act while allowing attorneys to remain in compliance with the law and their professional standards.

I urge my colleagues to support this legislation.

FINAL DECLARATION OF THE CONFERENCE ON FACILITATING THE ENTRY INTO FORCE OF THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2001

Mr. MARKEY. Mr. Speaker, I would like to call to my colleagues' attention the Final Declaration of the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). The document follows.

ANNEX—CONFERENCE ON FACILITATING THE ENTRY INTO FORCE OF THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY (NEW YORK, 2001)

FINAL DECLARATION

1. Fully conscious of the responsibilities which we assumed by signing the comprehensive Nuclear-Test-Ban-Treaty, pursuant to

article XIV of that Treaty, and recalling the Final Declaration adopted by the Conference, held in Vienna, from 6 to 8 October 1999, we the ratifiers, together with the States Signatories, met in New York from 11 to 13 November 2001 to promote the entry into force of the Treaty at the earliest possible date. We welcomed the presence of representatives of non-signatory States, international organizations and non-governmental organizations.

2. We reaffirmed our strong determination to enhance international peace and security throughout the world and stressed the importance of a universal and internationally and effectively verifiable comprehensive nuclear-test-ban treaty as a major instrument in the field of nuclear disarmament and non-proliferation in all its aspects. We reiterated that the cessation of all nuclear-weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects and thus a meaningful step in the realization of a systematic process to achieve nuclear disarmament. We therefore renewed our commitment to work for universal ratification of the Treaty, and its early entry into force as provided for in article XIV.

3. We reviewed the overall progress made since the opening for signature of the Treaty and, in particular, the progress made after the Conference held in Vienna from 6 to 8 October 1999. We noted with appreciation the overwhelming support for the Treaty that has been expressed: the United Nations General Assembly and other multilateral organs have called for signatures and ratifications of the Treaty as soon as possible and have urged all States to remain seized of the issue at the highest political level. We highlighted the importance of the Treaty and its entry into force for the practical steps for systematic and progressive efforts towards nuclear disarmament and non-proliferation, which were identified in 2000 at international forums dealing with nuclear disarmament and non-proliferation. We believe that the cessation of all nuclear-weapon test explosions or any other nuclear explosions will contribute to the accomplishment of those efforts.

4. In accordance with the provisions of article XIV of the Treaty, we examined the extent to which the requirement set out in paragraph 1 had been met and decided by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of the Treaty.

5. Since the Treaty was adopted by the United Nations General Assembly and opened for signature five years ago, progress has been made in the ratification process. As of today, 162 States have signed and 87 States have deposited their instruments of ratification, an increase of over 70 per cent compared with the number of ratifications at the time of the Conference held in 1999. Of the 44 States listed in Annex 2 to the Treaty whose ratification is required for the entry into force of the Treaty, 41 have signed, and of these, 31 have also ratified the Treaty. A list of those States is provided in the appendix. Progress in ratification has been sustained. We welcomed this as evidence of the strong determination of States not to carry out any nuclear-weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under their jurisdiction or control.

6. Despite the progress made and our strong support for the Treaty, we noted with